



Administrative Office of the Courts

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For Immediate Release

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State court system ready to provide resources for felony expungement as new law goes into effect July 15

FRANKFORT, Ky., July 14, 2016 – The Administrative Office of the Courts is ready to offer resources to help those who want to apply for a felony expungement when [House Bill 40](#) goes into effect Friday, July 15.

The 2016 Kentucky General Assembly passed HB 40, which allows certain Class D felony convictions to be expunged. The new law creates a process that permits a defendant to file a motion to have his or her conviction vacated and expunged. If the court grants the motion, the original judgment will be vacated and the charges dismissed. Records in the custody of any other agency or official, including law enforcement, will be expunged.

“This legislation will help people who have done their time, completed their sentences and lived law-abiding lives for many years,” AOC General Counsel Marc A. Theriault said. “It will affect tens of thousands of Kentuckians and we’re expecting a huge volume of petitioners based on the calls we’ve received and the interest shown so far.”

The AOC has been working with the Governor’s Office, the Kentucky State Police, the Kentucky Justice & Public Safety Cabinet and other criminal justice partners to prepare for the transition.

“The court system is the hub of activity for this piece of legislation,” Theriault said. “Working with state partners, we’ve put in countless hours to revise legal forms and update our electronic case management systems to communicate with other state agencies. We’ve also made changes to our eFiling program so attorneys can file expungement cases electronically.”

The AOC will also be providing guidance to judges and circuit court clerks about how to implement the new law.

The legal community and the public can get information from a [new section on the Kentucky Court of Justice website](#) that is devoted to felony expungement. The section offers background information on HB 40, legal forms and a list of offenses eligible for expungement. Visitors can also find answers to frequently asked questions and a step-by-step guide that explains how to start the process by applying for an expungement certification and what to do after becoming qualified to petition for an expungement.

Theriault said that drug possession, criminal mischief, receiving stolen property and flagrant nonsupport represent a majority of the convictions that people will seek to expunge. Extremely serious felonies, such as sex crimes, public corruption, drug trafficking and human trafficking, are not eligible for expungement.

Theriault said he would advise petitioners to be patient as they begin the application process. “The process could take up to six months or more, especially given the high volume of petitioners we expect to apply for expungement,” he said. “This is a complicated process that will be handled across multiple state agencies. There’s such a huge interest that the volume will exceed what these agencies have seen before.”

Note: The AOC cannot provide legal advice or assistance regarding felony expungements.

Administrative Office of the Courts

The AOC in Frankfort is the operations arm for the state court system. The AOC supports the activities of nearly 3,400 court system employees and 403 elected justices, judges and circuit court clerks. As the fiscal agent for the state court system, the AOC executes the Judicial Branch budget.

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